

## Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 AF-10 L-03 CAB-09 CIAE-00

COME-00 DODE-00 DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00

H-03 SS-20 NSC-07 PA-04 USIA-15 PRS-01 SP-03 DRC-01

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R 301638Z APR 74

FM AMEMBASSY LONDON

TO AMEMBASSY ACCRA

INFO SECSTATE WASHDC 9913

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJ: CIVAIR: TALKING POINTS ON US-GHANA CIVAIR  
CONTROVERSY

1. APPEARS POSSIBLE THAT GOG MAY RAPME WITH EMBASSY, IN ANY DISCUSSION ON CIVAIR PROBLEM, NUMBER OF ARGUMENTS ADVANCED DURING TALKS AND REFUTED BY USDEL. FOLLOWING REPRESENT PRINCIPLE GHANAIAAN POINTS:
  - A. PAA IS OPERATING ILLEGALLY. GHANADEL HAS RAISED REPEATEDLY ARGUMENT THAT PAA OPERATIONS ARE INCONSISTENT WITH ARTICLE 6 OF CHICAGO CONVENTION IN THAT THERE IS NO BILATERAL AGREEMENT. USDEL HAS POINTED OUT TO GHANADEL THAT ARTICLE 6 REQUIRES ONLY THAT SCHEDULED CARRIERS OBTAIN PERMISSION FOR SERVICES AND AND THAT PERMISSION FOR PAA SERVICES HAS BEEN PROPERLY OBTAINED. ARTICLE 6 IN NO WAY HAS EVER BEEN INTERPRETED AS REQUIRING BILATERAL AGREEMENT. IN FACT MANY INTERNATIONAL SERVICES TODAY ARE CARRIED OUT QUITE LEGALLY UNDER UNILATERAL PERMIT WITH NO AGREEMENTS.
  - B. USG HAS REFUSED TO CONCLUDE AN AGREEMENT WITH

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GOG. USDEL IN ITS FINAL STATEMENT EMPHASIZED THAT

US HAS ADVANCED AT LEAST THREE PROPOSALS (TWO IN WASHINGTON AND ONE IN ACCRA) FOR A BILATERAL AGREEMENT. GHANADEL HAS REJECTED ALL THREE. DIFFERENCES BETWEEN SIDES HAVE BEEN BASED ON RELATIVE APPRECIATION OF IMPORTANCE OF ECONOMICS OF MARKET WHICH COULD SUPPORT GHANAIAN CARRIER OPERATION AS WELL AS TIMING OF SUCH OPERATION.

C. GHANADEL PREPARED TO ACCEPT IMPORTANT US OBJECTIVES OF BERMUDA CAPACITY PROVISIONS AND FULL "NORMALIZATION" OF RELATIONS. DESPITE THIS MAJOR STEP USG.HAS STILL REFUSED TO CONCLUDE AN EFFECTIVE AGREEMENT. USDEL POINTED OUT THAT WHEN GHANADEL ELABORATED ON "NORMALIZATION" GHANADEL STATED THAT THERE WOULD REMAIN CAPACITY RESTRICTIONS ON ACCRA-LAGOS SECTOR AND, WHEN GHANAIAN CARRIER INITIATES SERVICE TO US, PAA WOULD BE EXPECTED TO MOVE OVER BY REDUCING SERVICES. USDEL POINTED OUT SUCH STEPS HARDLY SEEM CONSISTENT WITH BERMUDA PRINCIPLES AND FULL "NORMALIZATION."

2. IN GENERAL TERMS MAY BE USEFUL TO DRAW ON FOLLOWING AT APPROPRIATE OPPORTUNITY. THE FIRST USG PROPOSAL PROVIDED A FULL AGREEMENT TO MEET GOG INSISTENCE THAT AS MATTER OF POLICY ALL SCHEDULED SERVICES INVOLVING GHANA MUST BE COVERED BY BILATERAL. IT ALSO ENVISIONED GHANA AIRWAYS IMMEDIATE PARTICIPATION IN THE MARKET BETWEEN AFRICA AND THE US BASED ON COOPERATIVE ARRANGEMENTS TO BE CONCLUDED BETWEEN THE AIRLINE AND PANAM (BLOCKED SPACE). SUCH ARRANGEMENTS HAVE SERVED A USEFUL PURPOSE WITH THE AFRICAN NEIGHBORS OF GHANA. FOR A NUMBER OF YEARS AIR AFRIQUE, REPRESENTING A CONSORTIUM OF NUMEROUS AFRICAN STATES, USED THE ARRANGEMENT TO ESTABLISH

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US IDENTITY AND PARTICIPATE IN THE MARKET UNTIL IT DECIDED THE TIME WAS RIPE TO MOUNT A WEEKLY SERVICE ALONE. SIMILARLY NIGERIA HAS DECIDED TO PARTICIPATE IN THE MARKET THROUGH ITS LONG STANDING ARRANGEMENT WITH PANAM RATHER THAN AS AN INDIVIDUAL SERVICE.

3. THE SECOND US PROPOSAL MET THE BILATERAL POLICY OBJECTIVES OF GOG OF FULL AGREEMENT RECIPROCITY WHILE WEAVING TO THE RESPECTIVE AERONAUTICAL AUTHORITIES TO DEAL WITH INTERIM ARRANGEMENTS THROUGH THEIR LICENSING PROCEDURES UNTIL CERTAIN DIFFERING VIEWS COULD BE RESOLVED. THESE PROPOSALS REMAIN ON THE TABLE NOW SUPPLEMENTED BY A THIRD PROPOSAL THAT REPRESENTS THE CONTINUED USG INTEREST IN REACHING A SETTLEMENT THAT MEETS THE REAL NEEDS OF BOTH PARTIES AND NURTURES THE EXISTING MODEST AIR LINKS BETWEEN AFRICA AND NORTH AMERICA. AT THE SAME TIME, THESE DIRECT LINKS PROVIDE A MORE EFFECTIVE VOICE FOR THE AFRICAN STATES IN ASSURING REASONABLE FARES BETWEEN AFRICA AND NORTH AMERICA AS CONTRASTED WITH THE PRESENT RELATIVELY HIGH FARES PROVIDED OVER THE EUROPEAN ROUTING.

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY VIOLATION, AVIATION AGREEMENTS, NEGOTIATIONS, AIR ROUTES, AIR FARES  
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**Copy:** SINGLE  
**Draft Date:** 30 APR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** BoyleJA  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**TAGS:** ETRN, UK, GH, PANAM, AIR AFRIQUE  
**To:** ACCRA  
**Type:** TE  
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